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34845	7590	12/22/2005	EXAMINER	
STEUBING MCGUINNESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			WILSON, ROBERT W	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/528,261	HASS, BARRY L.
	Examiner Robert W. Wilson	Art Unit 2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31,33-37,39-43 and 46-57 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-31,33-37,39-43 and 46-57 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

<ol style="list-style-type: none"> 1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. 	<ol style="list-style-type: none"> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: _____.
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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-31, 33-37, 39-43, & 46-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey (U.S. Patent No.: 6,493,349) in view of Ylonen (U.S. Patent No.: 6,438,612) further in view of Mauger (U.S. Patent No.: 6,522,627).

Referring to claim 1, Casey teaches: a method of establishing an IP VPN tunnel or non label switched domain between two private networks which are each MPLS or between a first label switched and second label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The tunnel is established between a 1st VBR and a 2nd VBR or between a 1st and 2nd MPLS networks or between a 1st and 2nd label switched domains per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 1st VBR router puts the MPL packet in the tunnel per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 1st VBR router forward the packet through the tunnel per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

Casey does not expressly call for: encapsulation of the label stack or preserving of the label stack but teaches tunnel.

Ylonen teaches: tunneling is encapsulation of the packet as well as preserving the packets labeling per col. 1 line 40-col. 2 line 67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the encapsulation and preservation of the packet label of Ylonen to the method of Casey in order to perform tunneling.

The combination of Casey and Ylonen do not expressly call for: a label stack but teaches tunneling and MPLS.

Mauger teaches: label stack per figure 2 or per col. 4 line 26-col 5 line 8.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the label stack of Mauger to the method of the combination of Casey and Ylonen in order to perform MPLS switching.

Referring to claim 2, the combination teaches the method according to claim 1,

The combination does not expressly call for: wherein establishing a tunnel includes mapping a top label of the label stack to the tunnel.

Mauger teaches: wherein establishing a tunnel includes mapping a top label of the label stack to the tunnel per col. 4 line 26-col. 5 line 10 or Fig 2

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the label stack of Mauger to the method of the combination in order to perform MPLS switching.

Referring to claim 3, the combination teaches: the method of claim 1,
The combination does not expressly call for: wherein the tunnel is an IP tunnel

Casey teaches: wherein the tunnel is an IP tunnel per col. 3 line 40-col. 7 lines 13-21

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the IP tunnel of Casey to the method of combination in order to send data over an IP VPN.

Referring to claim 4, the combination teaches: the method of claim 3,
The combination does not expressly call for: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel

Casey teaches: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel (col. 3 line 40-col. 7 lines 13-21)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the GRE tunnel of Casey to the method of combination in order to send data over an IP VPN.

Referring to claim 5, the combination teaches the method of claim 4.

The combination does not expressly call for: wherein encapsulating the packet and label stack information includes providing a label switching protocol identifier such that the second label switched domain may identify the packet and label stack.

Mauger teaches: S bit or protocol identifier in the label stack per Fig 2 or col. 4 line 26-col. 5 line 10 or wherein encapsulating the packet and label stack information includes providing a label

switching protocol identifier such that the second label switched domain may identify the packet and label stack

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the label stack information of Mauger to the method of the combination in order to perform MPLS switching.

Referring to claim 6, the combination teaches: the method of claim 1,
The combination does not expressly call for: wherein the first label switched domain is a multiprotocol label switched domain

Casey teaches: wherein the first label switched domain is a multiprotocol label switched domain per Fig2 teaches VPN areas and Fig 3 teaches VPN areas can be MPLS or non MPLS in any order

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MPLS of Casey to the method of combination in order to send data over an IP VPN

Referring to claim 7, the combination teaches: the method of claim 1,
The combination does not expressly call for: wherein the first label switched domain is a multiprotocol label switched domain

Casey teaches: wherein the 2nd label switched domain is a multiprotocol label switched domain per Fig2 teaches VPN areas and Fig 3 teaches VPN areas can be MPLS or non MPLS in any order

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MPLS of Casey to the method of combination in order to send data over an IP VPN

Referring to claim 8, the combination teaches: the method of claim 1,
The combination does not expressly call for: wherein the first label switched domain is a MPLS and the second is a MPLS label switched domain.

Casey teaches: wherein the 1st and 2nd is a MPLS switched domain Fig2 teaches VPN areas and Fig 3 teaches VPN areas can be MPLS or non MPLS in any order

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MPLS switched domains of Casey to the method of combination in order to send data over an IP VPN

Referring to claim 9, the combination teaches the method according to claim 8,

The combination does not expressly call for: wherein encapsulating the packet and the label stack information includes proving a MPLS identifier in the encapsulated packet such that the second label switched domain may identify the packet and label stack.

Mauger teaches: wherein encapsulating the packet and the label stack information includes proving a MPLS identifier in the encapsulated packet such that the second label switched domain may identify the packet and label stack per Fig 2 or per col. 4 line 26-col. 5 line 10.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MPLS identifier of Mauger to the method of combination in order perform MPLS switching.

Referring to claims 10-18, it is within the level of one skilled in the art at the time of the invention to implement the limitations in claims 1-9 in logic in order to create a device per claims 10-18 respectively.

Referring to claims 19-27, it is within the level of one skilled in the art at the time of the invention to implement the limitations in claims 1-9 as a computer instructions in order to create a computer program per claims 19-27 respectively. It would have been obvious to one of ordinary skill in the art at the time of the invention to store the computer instructions on a computer program product in order for the instructions to be executable on a processor.

Referring to claim 28, Casey teaches: a method of establishing an IP VPN tunnel or non label switched domain between two private networks which are each MPLS or between a first label switched and second label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The tunnel is established between a 1st VBR and a 2nd VBR or between a 1st and 2nd MPLS networks or between a 1st and 2nd label switched domains per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 2nd VBR router receives the MPLS packet per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 2nd VBR router forwa4ds the packet to the 2nd MPLS or 2nd label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

Casey does not expressly call for: encapsulation of the label stack or preserving of the label stack or de-encapsulating the packet but teaches tunneling.

Ylonen teaches: tunneling is encapsulation of the packet as well as preserving the packets labeling as well as performing the inverse of encapsulating or de-encapsulating per col.1 line 40-col. 2 line 67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the encapsulation and preservation of the packet label and de-encapsulating of Ylonen to the method of Casey in order to perform tunneling.

The combination of Casey and Ylonen do not expressly call for: a label stack but teaches tunneling and MPLS.

Mauger teaches: label stack per figure 2 or per col. 4 line 26-coll 5 line 8.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the label stack of Mauger to the method of the combination of Casey and Ylonen in order to perform MPLS switching.

Referring to claim 29, the combination teaches: the method of claim 28,
The combination does not expressly call for: wherein the first label switched domain is a MPLS and the second is a MPLS label switched domain.

Casey teaches: wherein the 1st and 2nd is a MPLS switched domain Fig2 teaches VPN areas and Fig 3 teaches VPN areas can be MPLS or non MPLS in any order

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MPLS switched domains of Casey to the method of combination in order to send data over an IP VPN

Referring to claim 30, the combination teaches: the method of claim 28,
The combination does not expressly call for: wherein the tunnel is an IP tunnel

Casey teaches: wherein the tunnel is an IP tunnel per col. 3 line 40-col. 7 lines 13-21

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the IP tunnel of Casey to the method of combination in order to send data over an IP VPN.

Referring to claim 31, the combination teaches: the method of claim 30,
The combination does not expressly call for: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel

Casey teaches: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel (col. 3 line 40-col. 7 lines 13-21)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the GRE tunnel of Casey to the method of combination in order to send data over an IP VPN.

Referring to claim 33, the combination teaches the method according to claim 29,

The combination does not expressly call for: wherein encapsulating the packet and the label stack information includes proving a MPLS identifier in the encapsulated packet such that the second label switched domain may identify the packet and label stack.

Mauger teaches: wherein encapsulating the packet and the label stack information includes proving a MPLS identifier in the encapsulated packet such that the second label switched domain may identify the packet and label stack per Fig 2 or per col. 4 line 26-col. 5 line 10.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MPLS identifier of Mauger to the method of combination in order perform MPLS switching.

Referring to claim 34, Casey teaches: a device for establishing an IP VPN tunnel or non label switched domain between two private networks which are each MPLS or between a first label switched and second label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The tunnel is established between a 1st VBR and a 2nd VBR or between a 1st and 2nd MPLS networks or between a 1st and 2nd label switched domains per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 2nd VBR router receives the MPLS packet per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 2nd VBR router forwards the packet to the 2nd MPLS or 2nd label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

Casey does not expressly call for: encapsulation of the label stack or preserving of the label stack or de-encapsulating the packet but teaches tunneling.

Ylonen teaches: tunneling is encapsulation of the packet as well as preserving the packets labeling as well as performing the inverse of encapsulating or de-encapsulating per col. 1 line 40-col. 2 line 67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the encapsulation and preservation of the packet label and de-encapsulating of Ylonen to the method of Casey in order to perform tunneling.

The combination of Casey and Ylonen do not expressly call for: a label stack but teaches tunneling and MPLS.

Mauger teaches: label stack per figure 2 or per col. 4 line 26-coll 5 line 8.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the label stack of Mauger to the method of the combination of Casey and Ylonen in order to perform MPLS switching.

Referring to claim 35, the combination teaches: the method of claim 34,

The combination does not expressly call for: wherein the tunnel is an IP tunnel

Casey teaches: wherein the tunnel is an IP tunnel per col. 3 line 40-col. 7 lines 13-21

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the IP tunnel of Casey to the device of combination in order to send data over an IP VPN.

Referring to claim 36, the combination teaches: the method of claim 35,
The combination does not expressly call for: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel

Casey teaches: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel (col. 3 line 40-col. 7 lines 13-21)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the GRE tunnel of Casey to the device of combination in order to send data over an IP VPN.

Referring to claim 37, the combination teaches: the method of claim 34,
The combination does not expressly call for: wherein the first label switched domain is a MPLS and the second is a MPLS label switched domain.

Casey teaches: wherein the 1st and 2nd is a MPLS switched domain Fig2 teaches VPN areas and Fig 3 teaches VPN areas can be MPLS or non MPLS in any order

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MPLS switched domains of Casey to the device of combination in order to send data over an IP VPN

Referring to claim 39, the combination teaches the method according to claim 37,

The combination does not expressly call for: wherein encapsulating the packet and the label stack information includes proving a MPLS identifier in the encapsulated packet such that the second label switched domain may identify the packet and label stack.

Mauger teaches: wherein encapsulating the packet and the label stack information includes proving a MPLS identifier in the encapsulated packet such that the second label switched domain may identify the packet and label stack per Fig 2 or per col. 4 line 26-col. 5 line 10.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MPLS identifier of Mauger to the method of combination in order perform MPLS switching.

Referring to claims 40-43, it is within the level of one skilled in the art at the time of the invention to implement the limitations in claims 1, 8,3,4, & 9 as a computer instructions in order to create a computer program per claims 40-43 respectively. It would have been obvious to one

of ordinary skill in the art at the time of the invention to store the computer instructions on a computer program product in order for the instructions to be executable on a processor

Referring to claim 46, Casey teaches: a method of establishing an IP VPN tunnel or non label switched domain or a communication system between two private networks which are each MPLS or between a first label switched and second label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 1st VBR or egress device is connected to a first MPLS or 1st label switched domain via an IP VPN tunnel or non-label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 1st VBR receives the MPLS packet from the first MPLS or 1st label switched domain per

The 2nd VBR router receives the MPLS packet per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The MPLS packet is forwarded by the 1st VBR or egress device to the 2nd VBR or ingress device of the 2nd MPLS or 2nd label switched domain. per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The tunnel information is stripped by the second VBR per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The MPLS packet is forwarded by the 2nd VBR per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

Casey does not expressly call for: encapsulation of the label stack or preserving of the label stack or de-encapsulating the packet but teaches tunneling.

Ylonen teaches: tunneling is encapsulation of the packet as well as preserving the packets labeling as well as performing the inverse of encapsulating or de-encapsulating per col. 1 line 40-col. 2 line 67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the encapsulation and preservation of the packet label and de-encapsulating of Ylonen to the method of Casey in order to perform tunneling.

Referring to claim 47, the combination teaches: the method of claim 46, The combination does not expressly call for: wherein the first label switched domain is a MPLS and the second is a MPLS label switched domain.

Casey teaches: wherein the 1st and 2nd is a MPLS switched domain Fig2 teaches VPN areas and Fig 3 teaches VPN areas can be MPLS or non MPLS in any order

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MPLS switched domains of Casey to the communication system of combination in order to send data over an IP VPN

Referring to claim 48, the combination teaches: the method of claim 46,
The combination does not expressly call for: wherein the tunnel is an IP tunnel

Casey teaches: wherein the tunnel is an IP tunnel per col. 3 line 40-col. 7 lines 13-21

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the IP tunnel of Casey to the communication system of combination in order to send data over an IP VPN

Referring to claim 49, the combination teaches: the method of claim 48,
The combination does not expressly call for: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel

Casey teaches: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel (col. 3 line 40-col. 7 lines 13-21)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the GRE tunnel of Casey to the communication system of combination in order to send data over an IP VPN.

Referring to claim 50, Casey teaches: executing an IP VPN or tunnel protocol between a 1st VBR and 2nd VBR for interconnecting between two private MPLS or a 1st and 2nd label switch domains per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 1st VBR creates the IP VPN tunnel for transfer of the MPLS packet (means)

Casey does not expressly call for: encapsulating the payload or the protocol identifier for identifying the label switched protocol.

Ylonen teaches: encapsulation per col. 1 line 40-col. 2 line 67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the encapsulation of Ylonen to the method of Casey in order create a tunnel.

The combination of Ylonen and Casey do not expressly call for: a protocol indicator

Mauger teaches: an S bit per Fig 2 or protocol indicator

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the protocol indicator of Mauger to the method of the combination of Ylonen and Casey in order to perform MPLS switching.

It is within the level of one skilled in the art at the time of the invention to implement the method limitations state above as a computer program. It would have been obvious to one of ordinary skill in the art at the time of the invention to store the computer program on a computer readable medium in order to be executable on a processor.

Referring to claim 51, the combination teaches: the computer program product of claim 50, The combination does not expressly call for: wherein the label switched protocol is MPLS

Casey teaches: wherein the the label switched protocol is MPLS per Fig2 teaches VPN areas and Fig 3 teaches VPN areas can be MPLS or non MPLS in any order

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MPLS switched domains of Casey to the method of computer program product of the combination in order to send data over an IP VPN

Referring to claim 52, the combination teaches: the computer program product of claim 50, The combination does not expressly call for: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel

Casey teaches: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel (col. 3 line 40-col. 7 lines 13-21)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the GRE tunnel of Casey to the computer program product of combination in order to send data over an IP VPN.

Referring to claim 53, Casey teaches: a system for establishing an IP VPN tunnel or non label switched domain or a communication system between two private networks which are each MPLS or between a first label switched and second label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 1st VBR or egress device is connected to a first MPLS or 1st label switched domain via an IP VPN tunnel or non-label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 1st VBR receives the MPLS packet from the first MPLS or 1st label switched domain per

The 2nd VBR router receives the MPLS packet per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The MPLS packet is forwarded by the 1st VBR or egress device to the 2nd VBR or ingress device of the 2nd MPLS or 2nd label switched domain. per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The tunnel information is stripped by the second VBR per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The MPLS packet is forwarded by the 2nd VBR per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

Casey does not expressly call for: encapsulation of the label stack or preserving of the label stack or de-encapsulating the packet but teaches tunneling.

Ylonen teaches: tunneling is encapsulation of the packet as well as preserving the packets labeling as well as performing the inverse of encapsulating or de-encapsulating per col. 1 line 40-col. 2 line 67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the encapsulation and preservation of the packet label and de-encapsulating of Ylonen to the system of Casey in order to perform tunneling.

Referring to claim 54, the combination teaches: the method of claim 53, The combination does not expressly call for: wherein the first label switched domain is a MPLS and the second is a MPLS label switched domain.

Casey teaches: wherein the 1st and 2nd is a MPLS switched domain Fig2 teaches VPN areas and Fig 3 teaches VPN areas can be MPLS or non MPLS in any order

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MPLS switched domains of Casey to the communication system of combination in order to send data over an IP VPN

Referring to claim 55, the combination teaches: the method of claim 53, The combination does not expressly call for: wherein the tunnel is an IP tunnel

Casey teaches: wherein the tunnel is an IP tunnel per col. 3 line 40-col. 7 lines 13-21

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the IP tunnel of Casey to the communication system of combination in order to send data over an IP VPN

Referring to claim 56, the combination teaches: the method of claim 55, The combination does not expressly call for: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel

Casey teaches: wherein the tunnel is a Generic Routing Encapsulation (GRE) tunnel (col. 3 line 40-col. 7 lines 13-21)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the GRE tunnel of Casey to the communication system of combination in order to send data over an IP VPN.

Referring to claim 57, Casey teaches: a system per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

A 1st MPLS or 1st label switched domain which inherently is connected to a plurality of MPLS devices which is connected to a 1st VBR or egress device per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

A 2nd MPLS or 2nd label switched domain for forwarding label switched packets wherein the 2nd MPLS is inherently connected to MPLS devices including a 2nd VBR router or ingress device per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

An IP VPN or non-label switched domain having BNN or a plurality of forwarding devices and connected to a 1st VBR or egress device of the first label switched domain to the 2nd VBR or ingress device of the 2nd label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 1st VBR or egress device establishes a tunnel from the 1st MPLS or first label switched domain to the 2nd VBR or ingress device of the 2nd MPLS or second label switched domain across the IP VPN or non-label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 1st VBR or egress device creates the tunnel per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 1st VBR or egress device forwards the MPLS packet over the tunnel to the 2nd VBR or ingress device of the 2nd MPLS or 2nd label switched domain per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The 2nd VBR receives the tunneled MPLS packet per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The tunnel information is stripped by the second VBR per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

The MPLS packet is forwarded by the 2nd VBR per Figures 1-3 or per col. 6 line 15-col. 8 line 35.

Casey does not expressly call for: encapsulation of the label stack or preserving of the label stack or de-encapsulating the packet but teaches tunneling.

Ylonen teaches: tunneling is encapsulation of the packet as well as preserving the packets labeling as well as performing the inverse of encapsulating or de-encapsulating per col.1 line 40- col. 2 line 67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the encapsulation and preservation of the packet label and de-encapsulating of Ylonen to the system of Casey in order to performing tunneling.

Response to Amendment

3.0 Applicant's arguments filed 11/29/05 have been fully considered but they are not persuasive.

The examiner respectively disagrees with the applicant argument that the reference Casey fails to teach traversing between a first MPLS segment and a second MPLS segment via a non-MPLS segment.

Casey teaches that a carrier's can divide their networks into geographic areas as shown in Fig 1. These areas can be divided into MPLS based IP as well as an IP VPN per col. 3 lines 26-44. It would have been obvious to one of ordinary skill in the art at the time of the invention to make Areas 1 & 4 areas MPLS and make Area 0 an IP VPN which supports traffic between the two areas .

The examiner respectively disagrees with the applicant argument that MPLS does not ever appear in the reference nor that packets would be moving from the first MPLS area to the second MPLS area. The examiner respectively points out that MPLS appears in Figure 3 as well as col. 3 lines 26-44 respectively and that packets inherently travel between the areas shown in Figure 3.

The examiner respectively disagrees with the applicants arguments that there would be no motivation to combined the references, there is no reasonable expectation of success, nor do the references recognized the problem solved by the claimed invention.

The examiner has cited the reason to combine the references in the above rejection. Please refer to the rejection for details. The reference clearly defines interconnecting areas which have MPLS and IP VPNs per col. 3 lines 26-44 which the examiner interprets as reasonable expectation of success. The references do not have to recognize the problem solved by the claimed invention; however, there has to be a reason to combine and reasonable expectation of success which the examiner has previously explained the logic behind this argument.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

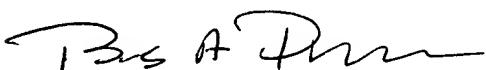
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

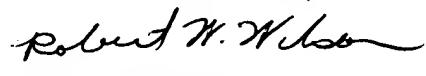
Conclusion

4.0 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571/272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BOB PHUNKULH
PRIMARY EXAMINER


Robert W. Wilson